



**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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Draft: August 4, 2020

**GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC**

Facility Name:	Las Cruces National Guard Armory
Discharge Permit Number:	DP-1431
Facility Location:	253 Armory Road Las Cruces, NM
County:	Doña Ana
Permittee:	New Mexico Army National Guard
Mailing Address:	Cpt. Jerome Bustamante, Environmental Program Manager 47 Bataan Boulevard Santa Fe, NM 87508
Facility Contact:	David Rodriguez
Telephone Number:	(505) 407-3300 ext. 200601
Permitting Action:	Renewal
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
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MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

TABLE OF CONTENTS

I. INTRODUCTION1

II. FINDINGS.....2

III. AUTHORIZATION TO DISCHARGE3

IV. CONDITIONS3

A. OPERATIONAL PLAN3
Operating Conditions.....3

B. MONITORING AND REPORTING5
Due Dates for Monitoring Reports5
Monitoring Actions with Implementation Deadlines.....6
Facility Monitoring Conditions7

C. CONTINGENCY PLAN8

D. CLOSURE PLAN10

E. GENERAL TERMS AND CONDITIONS12

ATTACHMENTS

- Discharge Permit Summary
- Table of 20.6.2.3103 Standards for Groundwater

draft

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1431) to the New Mexico Army National Guard (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Las Cruces National Guard Armory (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the Permittee to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

Vehicle wash water from a vehicle wash down pad discharges from a sand trap followed by an oil/water separator at a volume up to 11,440 gallons per year to a concrete lined impoundment for disposal by evaporation.

The Facility is located at 253 Armory Road, approximately 8 miles west of Las Cruces, in Section 27, Township 23S, Range 01W, Doña Ana County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 310 feet and having a total dissolved solids (TDS) concentration of approximately 1,000 milligrams per liter.

NMED issued the original Discharge Permit on July 14, 2004 and subsequently renewed on March 31, 2015. The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated February 10, 2020, and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a discharge permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that structural controls and/or management practices approved under this Discharge Permit need to be more stringent to protect

groundwater quality. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED’s issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO ₃ -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
LADS	Land Application Data Sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	most probable number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility
NMED	New Mexico Environment Department		

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Section 20.6.2.3104 NMAC.

3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC, including Subsection 20.6.2.3105.A which allows an exemption from obtaining a discharge permit if the discharge is composed of effluent or leachate which conforms to all the standards in Subsection A, B, and C of Section 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/L or less.

III. AUTHORIZATION TO DISCHARGE

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to discharge up to 11,440 gallons per year of vehicle wash water through a sand filter, followed by an oil/water separator to a concrete lined impoundment for disposal by evaporation.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	Terms and Conditions
3.	The Permittee shall maintain fences around the impoundment to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link

#	Terms and Conditions
	<p>or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
4.	<p>The Permittee shall maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The Permittee shall maintain the impoundment liner as to avoid conditions that could affect the liner or the structural integrity of the impoundment. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other damage;• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;• the presence of large debris or large quantities of debris in the impoundment;• evidence of seepage; or• evidence of berm subsidence. <p>The Permittee shall routinely control vegetation growing around the impoundment by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundment and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the findings and repairs, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
6.	<p>The Permittee shall preserve a minimum of two feet of freeboard, i.e., the liquid level in the impoundment and the elevation of the lowest-most top of the impoundment liner.</p> <p>In the event that the Permittee determines that two feet of freeboard cannot be preserved in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall inspect the sand trap and oil/water separator semi-annually for the accumulation of oil and solids. In the event that the oil or solids have accumulated to greater than 50% of the working capacity of the trap or separator, the Permittee shall have the contents pumped by a licensed hauler. The Permittee shall ensure no oil or solids are disposed of on-site. The Permittee shall ensure the oil and solids are contained, transported, and disposed of at a permitted facility in accordance with all local, state, and federal regulations.</p> <p>The Permittee shall create and maintain a record of oil and solids removal and disposal, including the name of the waste hauler, date of off-site shipment, volume of solids removed, method of disposal, and location of disposal.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
8.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
10.	<p>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> • January 1st through June 30th – due by August 1st; and

#	Terms and Conditions
	<ul style="list-style-type: none"> • July 1st through December 31st – due by February 1st. <p>[Subsection A of 20.6.2.3107 NMAC]</p>

Monitoring Actions with Implementation Deadlines

#	Terms and Conditions
11.	<p>The Permittee shall sample Facility wastewater for the presence of perfluorinated chemicals (PFCs).</p> <p>Within 180 days of the effective date of this Discharge Permit (by DATE), the Permittee shall collect a single grab sample from the evaporative impoundment in a location that is representative of the discharge contained therein. The Permittee shall analyze the sample for the following PFCs:</p> <ul style="list-style-type: none"> • perfluorohexane sulfonic acid (PFHxS) (CAS 355-46-4) • perfluorooctane sulfonate (PFOS) (CAS 1763-23-1) • perfluorooctanoic acid (PFOA) (CAS 335-67-1) <p>The Permittee shall properly collect, prepare, preserve, transport, and analyze the sample in accordance with ASTM D7979-17, or an equivalent method that uses liquid chromatography and tandem mass spectrometry (LC/MS/MS). The reporting limit shall be low enough to identify whether the combined concentration of the perfluorinated chemicals is less than the Tap Water Screening Level identified in the <i>NMED Risk Assessment Guidance for Site Assessments and Investigations</i>, Table A-1 available on the NMED Hazardous Waste Bureau’s website under Guidance Documents. The Permittee shall take appropriate measures to avoid cross contamination while collecting and transporting the sample. The selected laboratory should be able to provide guidance that ensures sample integrity. The Permittee shall submit a copy of the laboratory report, including analytical results, the QA/QC summary, and the Chain of Custody, to NMED within 30 days of laboratory report receipt.</p> <p>[Subsection H of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
12.	<p>The Permittee shall on a monthly basis estimate the volume of wastewater discharged to the evaporative impoundment. The Permittee shall estimate the discharge volume by counting the number of vehicles and pieces of equipment washed and applying the following usage factors:</p> <ul style="list-style-type: none"> • 40 gallons per wash per vehicle • 10 gallons per wash per piece of equipment <p>The Permittee shall submit the count of vehicles and pieces of equipment washed, calculations, and discharge volumes to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
13.	<p>The Permittee shall collect a composite wastewater on an annual basis from a representative location within the impoundment for chemical characterization. The Permittee shall analyze the composite sample for:</p> <ul style="list-style-type: none"> • aluminum (CAS 7429-90-5) • arsenic (CAS 7440-38-2) • barium (CAS 7440-39-3) • cadmium (CAS 7440-43-9) • chromium (CAS 7440-47-3) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • manganese (CAS 7439-96-5) • total mercury (nonfiltered) (CAS 7439-97-6) • pH (instantaneous) • selenium (CAS 7782-49-2) • silver (CAS 7440-224) • benzene (CAS 71-43-2) • ethylbenzene (CAS 100-41-4) • methylene chloride (CAS 75-09-2) • PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes • tetrachloroethene (PCE, CAS 127-18-4) • toluene (CAS 108-88-3) • total xylenes (CAS 1330-20-7) • chloride (CAS 16887-00-6) • total dissolved solids <p>In the event that there is no wastewater in the impoundment, the Permittee shall collect a grab sample from the influent line to the impoundment during vehicle washing operations.</p> <p>The Permittee shall ensure the sample is properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical results, including the QA/QC summary and Chain of Custody, to NMED in the monitoring reports due by August 1st each year.</p>

#	Terms and Conditions
	[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
14.	<p>The Permittee shall submit all records of solids or oil removal and disposal to NMED in the semi-annual monitoring reports.</p> <p>In the event that the vehicle wash rack is not used during the semi-annual reporting period, the Permittee shall include a statement that the discharge did not occur in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
15.	<p>In the event that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC in groundwater as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
16.	<p>In the event that an inspection performed by the Permittee of an impoundment liner reveals significant damage has occurred or is likely to affect the structural integrity of the liner or its ability to contain contaminants, the Permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30 days after discovery of the damage by the Permittee or following notification from NMED that significant liner damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
17.	<p>In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall initiate implementation of the CAP following NMED approval.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Example corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
18.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none">a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.b) The name and address of the Facility.c) The date, time, location, and duration of the unauthorized discharge.d) The source and cause of unauthorized discharge.e) A description of the unauthorized discharge, including its estimated chemical composition.f) The estimated volume of the unauthorized discharge.g) Any actions taken to mitigate immediate damage from the unauthorized discharge.

#	Terms and Conditions
	<p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
19.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

#	Terms and Conditions
20.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed.</p>

#	Terms and Conditions
	<p>Within <u>60 days</u> of ceasing to discharge to the impoundment, the Permittee shall plug the impoundment influent lines so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment, the Permittee shall evaporate or drain the wastewater from the impoundment and any other wastewater system component and disposed of it in accordance with all local, state, and federal regulations.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundment, the Permittee shall submit a sludge removal and disposal plan to NMED for approval should any solids exist in the impoundment. The Permittee shall implement the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <ol style="list-style-type: none">a) The estimated volume and dry weight of sludge planned for removal and disposal, including measurements and calculations.b) Analytical results for samples of the sludge taken from the impoundment for the constituents listed in Condition 13 (reported in mg/kg, dry weight basis).c) The method of sludge <i>removal</i> from the impoundment.d) The method of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state and federal regulations. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <ol style="list-style-type: none">a) Remove all lines leading to and from the impoundment, or permanently plug and abandon the lines in place.b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.c) Perforate or remove the impoundment liner.d) Fill the impoundment with suitable fill.e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. <p>When the Permittee has met all closure and post-closure requirements and verified with</p>

#	Terms and Conditions
	<p>date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
21.	<p>RECORD KEEPING - The Permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> • Information and data used to complete the application for this Discharge Permit; • Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data;

#	Terms and Conditions
	<ul style="list-style-type: none"> ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
22.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
23.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED’s request, allow for NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
24.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility’s discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED’s approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p>

#	Terms and Conditions
	[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
25.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
26.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
27.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.

#	Terms and Conditions
	<p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
28.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
29.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
30.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> • Notify the proposed transferee in writing of the existence of this Discharge Permit; • Include a copy of this Discharge Permit with the notice; and • Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p>

#	Terms and Conditions
	[20.6.2.3111 NMAC]
31.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit effective date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit effective date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>